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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Charles Smith,

Petitioner,

v.

William Hutchings, et al.,

Respondents.

Case No.: 2:20-cv-01781-RFB-VCF

Order

Petitioner has filed an application to proceed *in forma pauperis* with an attached petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 and a motion for appointment of counsel. ECF No. 1. Based on the information provided with the application, the court finds that petitioner can pay the full filing fee of \$5.00. Therefore, petitioner will be required to pay the fee before this action proceeds.

In addition, a petition for writ of habeas corpus under 28 U.S.C. § 2254 must be on the form supplied by the court or substantially follow either that form or the form appended to the Rules Governing Section 2254 Cases in the United States District Courts. LSR 3-1, Local Rules of Practice. The petition for writ of habeas corpus submitted by petitioner is written in longhand on notebook paper and only roughly follows the approved format. ECF 1-1. Accordingly, petitioner will be required to file an amended petition in compliance with LSR 3-1.

1 **IT IS THEREFORE ORDERED** that the application to proceed *in forma pauperis* (ECF
2 No. 1) is DENIED. Petitioner shall have 30 days from the date that this order is entered to have
3 the filing fee of \$5.00 sent to the Clerk of Court. Failure to comply will result in the dismissal of
4 this action.

5 **IT IS FURTHER ORDERED** that the Clerk shall send petitioner two copies of this order.
6 Petitioner is ordered to make the necessary arrangements to have one copy of this order attached
7 to the check paying the filing fee.

8 **IT FURTHER IS ORDERED** that the Clerk shall send petitioner a noncapital Section
9 2254 habeas petition form, the instructions for the form, and a copy of the papers that he submitted
10 in this action. Petitioner shall have 30 days to file an amended petition on the supplied form.

11 Dated: November 2, 2020

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15 **RICHARD F. BOULWARE, II,**
16 **UNITED STATES DISTRICT JUDGE**
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